

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

CONSTRUCTION MATERIALS LTD,
INC.,

Plaintiff,

v.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION ("EEOC"),

Defendant.

CIVIL ACTION NO.
2:02-CV-1155-RRR

DEFENDANT EEOC'S SUPPLEMENTAL RESPONSES TO PLAINTIFF'S

INTERROGATORIES TO AGENCY

Comes now the Defendant, Equal Employment Opportunity Commission, by and through Alice H. Martin, United States Attorney for the Northern District of Alabama, and, without waiving any previously-stated objections, provides the following supplemental response to Plaintiff's First Set Of Interrogatories pursuant to Rule 33, F. R. Civ. P.

INTERROGATORIES

- 3. For the period of time from January 1, 1999, to October 31, 2005, and for each and every document request made to Defendant by any respondent, state the number of days from the first FOIA request until Defendant actually provided some or all of the documents pursuant to the Respondent's request for such Documents.**

EEOC's Response: Subject to the following objections, the EEOC responds to this Interrogatory by referring the Plaintiff to the EEOC's public website at www.eeoc.gov, which contains the EEOC's annual FOIA reports for the 1997 through 2004 fiscal years (the 2005 fiscal year's report

has not yet been completed). These reports are submitted to the Attorney General of the United States pursuant to 5 U.S.C. 552 (e)(1) in this format as recommended by the Department of Justice. To access those reports, type “Freedom of Information Act” in the search box on the EEOC website’s first page. Then click on the first entry in the search results, which will be entitled “Freedom of Information Act.” The page which then appears contains the referenced reports by fiscal year so that each specific fiscal year’s report can be viewed individually by clicking on that year’s designation.

The referenced EEOC reports show (along with substantial other information) that the EEOC’s volume of ordinary (not expedited) FOIA requests and the median response time for those ordinary FOIA requests for the requested fiscal years are as follows:

FY 1999	Volume = 15,458 (entire fiscal year)	Response Time = 18 days
FY 2000:	Volume = 15,765	Response Time = 15 days
FY 2001	Volume = 16,067	Response Time = 19 days
FY 2002	Volume = 16,392	Response Time = 19 days
FY 2003	Volume = 17,258	Response Time = 20 days
FY 2004	Volume = 17,164	Response Time = 18 days

The preceding statistics from the EEOC’s statutorily required annual reports establish that the EEOC has not maintained a policy or practice of responding to FOIA requests in a tardy fashion.

This Interrogatory’s request that the EEOC report FOIA compliance information in different or additional formats than required by the referenced statute imposes burden and expense on the EEOC

which is not justified by any potential probative benefit under the issues identified by the Magistrate Judge's November 9, 2005 Order incorporating his October 25, 2005 recommendation and identification of dispositive issues. For the foregoing reasons, the EEOC will not further answer this Interrogatory.

EEOC's Supplemental Response: Without waiving any prior-stated objection, Defendant supplements its initial response with the following: the EEOC's Birmingham District Office's volume of ordinary (not expedited) FOIA requests and the median response time for those ordinary FOIA requests for the requested fiscal years are as follows (except as noted by the asterisk):

FY 1999 (whole year)	- Processed 1,194; median response time = 22 days
FY 2000	- Processed 1,176; median response time = 51 days
FY 2001	- Processed 902; median response time = 81 days
FY 2002	- Processed 785; median response time = 25/31 days*
FY 2003	- Processed 1,635; median response time = 22/32 days*
FY 2004	- Processed 1,499; median response time = 17 days
FY 2005	- Processed 1,229; median response time = 17 days.

5. For the period of time from January 1, 1999, to October 31, 2005, state the total number of document requests made to Defendant, whether directly or indirectly, made pursuant to the Freedom of Information Act.

EEOC's Response: The EEOC incorporates its answer to Interrogatory No. 3 in response to this Interrogatory. The reports referenced in the EEOC's answer to Interrogatory No. 3 contain the requested information, although the information is provided on an entire fiscal year basis for each

year.

EEOC's Supplemental Response: Without waiving any prior-stated objections, Defendant supplements its initial response with the following: Defendant incorporates EEOC's Supplemental Response to Interrogatory No. 3, as set out above.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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